



U.S. Department of Justice

Criminal Division

Fraud Section

September 27, 2024

VIA EMAIL & FEDERAL EXPRESS

Tyrone J. Paylor
First Assistant Federal Public Defender
One Memphis Place
Memphis, TN 38103
Tyrone_paylor@fd.org

**Re: *United States v. Lisa Jeanine Findley*, No. 2:24-cr-20145-JTF (W.D. Tenn.)
Government's First Production of Information**

Dear Mr. Paylor:

In response to your request for discovery filed on September 24, 2024 (ECF No. 32), please be advised that copies of the information described in the accompanying index and identified by Bates prefixes have been loaded onto a password-protected encrypted hard drive that is being mailed to you in connection with this letter. The tracking number for the delivery of the hard drive will be provided to you via email. The government anticipates making its next production of information as soon as possible. For security purposes, the password for this production will be provided to you via separate email.

The information being produced to you in connection with this letter will be enclosed on a hard drive labeled "U.S. v. Findley – Government Production #1." The Bates ranges for the information included with this production are:

- DOJ-PROD-0000000001 – DOJ-PROD-0000049377
- DOJ-DEVICE-0000000001 – DOJ-DEVICE-0000000005

Below, please find additional responses to the written requests set forth in your September 24, 2024 letter.

Response to Request #1

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the defendant hereby requests copies of all items discoverable under subparagraphs (a)(1)(A), (B), (C), (D), (E), (F), and (G).

- Rule 16(a)(1)(A): Defendant's Oral Statement –
The government is not aware of any statements made by the defendant in response to interrogation by government agents that the government currently intends to use at trial.

- Rule 16(a)(1)(B): Defendant's Written or Recorded Statement –
This production contains written and recorded statements of the defendant, including statements made in furtherance of the crimes charged in the Indictment. Also included in this production are statements the defendant made in an email she sent from a "proton.me" email account to a federal agent and a paralegal regarding the government's investigation of the crimes charged in the Indictment. The items may be found at Bates ranges:
 - DOJ-PROD-0000048722 – DOJ-PROD-0000048723
 - DOJ-PROD-0000049317 – DOJ-PROD-0000049337
- Rule 16(a)(1)(C): Organizational Defendant –
This request is not applicable since the defendant is not an organization.
- Rule 16(a)(1)(D): Defendant's Prior Record –
The government is aware that the defendant was previously convicted of at least the following:
 - Making a false statement to obtain a bank loan, in the United States District Court for the Northern District of Oklahoma (*see* Cr. No. 4:06-cr-00071-TCK);
 - Failure to appear, in the United States District Court for the Northern District of Oklahoma (*see* Cr. No. 4:05-cr-00155-TCK).
 - Supervised release violations, in the United States District Court for the Northern District of Oklahoma (*see* Cr. Nos. 4:06-cr-00071-TCK; 4:05-cr-00155-TCK)
 - Intimidating a witness, in the Rogers County District Court, in Claremore, Oklahoma (*see* Case No. CF-2005-22).

Copies of the judgments in the federal cases (in the form that the government currently possesses them) have been loaded to the hard drive and can be located at Bates range DOJ-PROD-0000049085 – DOJ-PROD-0000049112.

- Rule 16(a)(1)(E): Documents and Objects –
The government seized the following items pursuant to a search warrant executed at the defendant's residence:
 - An Apple iPhone 14 Plus bearing serial number F4F7XJM6NQ
 - A Cloud Mobile Stratus C7 bearing unknown serial number
 - An Amazon Kindle Fire bearing serial number KFMVWI
 - A Maxwest Astro 8R bearing serial number AT08R1023014697
 - A Samsung Galaxy Flip 3, model SM-F711U, bearing IMEI 351782460516790

Extractions from those devices have been loaded to the hard drive and can be located at Bates range DOJ-DEVICE-0000000001 to DOJ-DEVICE-0000000005. In addition to the five devices described above, the government seized other items pursuant to a search warrant executed at the

defendant's residence. The government will produce copies and photographs of those other items as soon as practicable and make the items reasonably available for inspection upon request.

- Rule 16(a)(1)(F): Reports of Examinations and Tests –
The government is in possession of extractions and extraction reports of the devices described above under "Documents and Objects." This production includes those extractions and extraction reports, located at Bates range DOJ-DEVICE-0000000001 – DOJ-DEVICE-0000000005.
- Rule 16(a)(1)(G): Expert Witnesses –
At present, the government anticipates calling expert witnesses to translate communications that the defendant sent in certain foreign languages, namely Spanish and Ganda. Should the government determine to call other expert witnesses at trial, the government will timely comply with its obligations under Rule 16 of the Federal Rules of Criminal Procedure.

Response to Request #2

The defendant further requests notice of the government's intention to use any like and similar conduct on the part of the defendant, or other crimes evidence, should this case proceed to trial, pursuant to Rule 404(b).

The government may seek to introduce evidence relating to the conduct underlying the defendant's criminal convictions and supervised release violations (which are summarized above). The government's investigation into the defendant's conduct in connection with this case is still ongoing, and if the government later determines to seek to introduce evidence of other prior conduct by the defendant, or evidence of other crimes committed by the defendant, the government will timely provide notice pursuant to Rule 404(b) of the Federal Rules of Evidence.

Response to Request #3

The defendant further requests notice of any items seized by agents of the United States from the person or residence of the defendant which may or could be the subject of a motion to suppress evidence as per Rule 12(d)(2).

The government seized several items pursuant to a search warrant for the defendant's home. Several of those items are described above under the "Rule 16(a)(1)(E)" section of the government's response to Request #1 and have been included in this production. The government is in the process of copying and photographing other items that were seized pursuant to a search warrant executed at the defendant's residence. The government will produce those copies and photographs as soon as practicable and make the items reasonably available for inspection upon request.

Response to Request #4

The defendant further requests notice of the use of any electronic surveillance or wiretap in this case, including the use of cellphone tracking devices.

The government obtained a search warrant under Federal Rule of Criminal Procedure 41 and 18 U.S.C. § 2703(c)(1)(A) for information about the location of the cellular telephones assigned call numbers: (i) [REDACTED]-7570; and (ii) [REDACTED]-9453.

Response to Request #5

This discovery request includes the production of information contained in the files or otherwise known to any municipal or state agency, civil, administrative or criminal in nature, which information has formed part of the decision to prosecute.

It is unclear what specific information you are requesting as part of Request #5. Nevertheless, the government's first production of information includes information and material obtained from the Shelby County Chancery Court, the Shelby County Register's Office, the California Superior Court, and the California Department of Motor Vehicles. These documents can be located at the following Bates ranges:

- DOJ-PROD-0000000001 – DOJ-PROD-0000000006
- DOJ-PROD-0000000633 – DOJ-PROD-0000000643
- DOJ-PROD-0000002574 – DOJ-PROD-0000002675
- DOJ-PROD-0000002676 – DOJ-PROD-0000002704
- DOJ-PROD-0000049371 – DOJ-PROD-0000049374

If this is not the information you intended to request in Request #5, please follow up with specific requests and the government will timely respond.

Response to Request #6

This letter also requests the disclosure by the government of "Brady"-type material. [T]he defendant is hereby requesting any information the government may have that is favorable to the defendant and material either to guilt or punishment, including evidence going to the impeachment of a government witness.

The government is presently unaware of the existence of this type of information or material. The government, however, is aware of its continuing obligation to disclose such information and material, and if the government becomes aware of any such information or material, it will make the required disclosures.

Response to Request #7

The existence, substance, extent, and the manner of execution or fulfillment of any inducement, promise, statement, agreement, understanding, or arrangement, either verbal, written, or implied, between the government and any of its agents and any prosecution witness, or his or her attorneys or representatives, for the purpose of obtaining said person's testimony, cooperation, or provision of information to the government wherein the government has agreed, stated, or implied action as to [a list of items identified as (a)-(h)].

To the extent that any of these items are properly discoverable (which the government does not concede here), the government will produce such information and material as required by statute and pursuant to a Court-ordered schedule.

* * *

In this production, the government may have provided information and material that exceeds the scope of discovery mandated by the Federal Rules of Criminal Procedure, federal statute, or relevant case law. Any non-discoverable information and material provided has been voluntarily and solely as a matter of discretion.

The fact that certain non-discoverable information and material may be provided in no way obligates the government to provide all non-discoverable information and material, and the fact that certain non-discoverable information and material has been provided should not be taken as a representation as to the existence or non-existence of any other non-discoverable information and material.

By opening this production, you agree that the produced information and material is sensitive and confidential, will be used only for purposes of the above-captioned case, and shall not be publicly disclosed in any way unless pre-authorized by the government or the Court.

* * *

Government's Request for Reciprocal Discovery

The government respectfully requests as soon as possible all reciprocal discovery to which it is entitled, including under Fed. R. Crim. P. 16 (b), and any other applicable statute, case law, or otherwise.

If you have any questions, please contact us and AUSA André at your convenience.

Sincerely,

/s/ Aaron Henricks

Aaron Henricks
Trial Attorney

Christopher Fenton
Trial Attorney

Cory E. Jacobs
Assistant Chief

United States Department of Justice
Criminal Division, Fraud Section

Enclosures:

- One Hard Drive (via Federal Express)
- Government Production #1 Index

Cc: AUSA Carroll L. André, III
Clerk, U.S. District Court (w/o enclosures)